

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF OREGON

3 PORTLAND DIVISION

4 UNITED STATES OF AMERICA, )  
5 )  
6 Plaintiff, ) Case No. 3:17-mj-00188  
7 )  
8 v. )  
9 ) November 17, 2017  
JUAN CARLOS RAMON, )  
10 )  
11 )  
12 )  
13 Defendant. ) Portland, Oregon  
14 )  
15 ----- )

16 FIRST APPEARANCE

17 TRANSCRIPT OF PROCEEDINGS

18 BEFORE THE HONORABLE PAUL PAPAK

19 UNITED STATES DISTRICT COURT MAGISTRATE JUDGE  
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APPEARANCES

FOR THE PLAINTIFF:

JANE H. SHOEMAKER  
U.S. Attorney's Office  
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FOR THE DEFENDANT:

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Federal Public Defender's Office  
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Portland, OR 97204

FOR THE DEFENDANT:

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Owens & McBreen, P.C.  
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Portland, OR 97204

COURT REPORTER:

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## TRANSCRIPT OF PROCEEDINGS

(November 17, 2017)

(In open court:)

MS. SHOEMAKER: Good afternoon, Your Honor. The first matter on the Court's calendar is Case No. 17-mj-188. United States v. Juan Carlos Ramon. Jane Shoemaker for the United States. The defendant is present, in custody, and with him today are both Tom Price, from the Federal Public Defender's Office, and also Michael Owens, who, I believe, the defendant may have retained as counsel in this matter.

This is on for an initial appearance on a criminal complaint charging the defendant with production of child pornography.

THE COURT: Thank you.

MR. PRICE: Good afternoon Your Honor. Thomas Price from the Federal Defender's Office. I've had a chance to speak with Mr. Juan Ramon in lockup. I've helped him up to this point. I'm just going to ask the Court to appoint the defender's office for purposes of this appearance only. I think that makes sense. I've consulted with Mr. Owen who is standing in for Richard McBreen. He's going to be the counsel in this case henceforth.

And so we're ready to proceed.

THE COURT: All right. Let me just make sure we're clear both through Mr. Ramon and through Mr. Owens. Your firm

1 or whoever -- whoever you work -- your partner is going to  
2 represent Mr. Ramon going forward?

3 MR. OWEN: Yes. That's correct, Your Honor.

4 THE COURT: And you're prepared for today, Mr. Price,  
5 who did the workup of the morning case -- to let Mr. Price,  
6 from the Federal Defender's Office, represent Mr. Ramon?

7 MR. OWEN: I am, Your Honor.

8 THE COURT: Mr. Ramon, do you understand all of that,  
9 and is that okay with you?

10 THE DEFENDANT: It is, Your Honor.

11 THE COURT: Mr. Price, let me ask you, have you had a  
12 chance to review with Mr. Ramon the complaint in this matter?  
13 How would he like to proceed?

14 MR. PRICE: Your Honor, we have read the complaint.  
15 He's prepared to proceed how he's named in the complaint. He  
16 understands he has a right to a preliminary hearing at this  
17 time should he so decide to have one. He is prepared to waive  
18 that right.

19 THE COURT: All right. Thank you.

20 Mr. Ramon, let me review here with you your rights and  
21 make sure you understand what we're doing. So far there's a  
22 complaint filed in your case. You don't have to enter a plea  
23 to that today. You have a right to be represented by a lawyer  
24 in this case, and I have appointed Mr. Price and his office to  
25 represent you for today's purposes only, and then it appears

1 that private counsel that you or your family has retained will  
2 take over the representation going forward.

3 You have the right to what's called a preliminary hearing  
4 today. It's a hearing before me to determine if there's enough  
5 evidence to justify holding you over for further proceedings in  
6 this matter, and so you waived that hearing. So the next thing  
7 we'll schedule will be an arraignment date, presuming this goes  
8 to a grand jury and they enter an indictment or approve of an  
9 indictment, and then we'll bring you back to enter your plea  
10 and move forward with that.

11 You have the right to remain silent about the allegations  
12 contained in the complaint. Anything you say about them could  
13 be used against you, so I would encourage you to talk to  
14 Mr. Price today and to Mr. Owen or through your other counsel,  
15 once he appears in this matter, before you speak to anyone else  
16 about this case.

17 And, finally, you have the right to have me decide today  
18 whether there are any conditions that will allow for your  
19 release from custody pending further proceedings.

20 Do you understand all of that?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: All right. When is it going to go to the  
23 grand jury? Do you know?

24 MS. SHOEMAKER: Yes, Your Honor. I have it scheduled  
25 for a week from Tuesday -- I believe it's the 28th -- because

1 the grand jury is not meeting next week. So we plan to go that  
2 Tuesday.

3 THE COURT: You want to set this for arraignment that  
4 week, then?

5 MS. SHOEMAKER: Sure. That will be fine, Your Honor.

6 THE COURT: 29th or 30th?

7 MS. SHOEMAKER: That would be fine, Your Honor.

8 THE COURT: Any preference?

9 DEPUTY COURTROOM CLERK: I would suggest the 30th.

10 THE COURT: Why?

11 DEPUTY COURTROOM CLERK: Because time for processing.

12 THE COURT: Look at the 30th.

13 MR. OWEN: 30th looks good, Your Honor.

14 THE COURT: All right. Set this for arraignment for  
15 the 30th of November, 1:30 p.m., before me. Okay?

16 Mr. Ramon and Mr. Price, pretrial here is recommending  
17 detention, at least preliminarily. This is a presumption case,  
18 and they haven't been able to follow up information to complete  
19 a full bail report.

20 Are you prepared to set this over to Monday or Tuesday for  
21 a detention hearing?

22 MR. PRICE: My understanding from Mr. Owen,  
23 Your Honor, is they would be prepared to help him with his  
24 detention hearing on Tuesday.

25 THE COURT: All right. I'll set this matter for next

1 Tuesday, which is the 21st, I believe -- yeah, the 21st -- at  
2 1:30 p.m. for a detention hearing.

3 Mr. Ramon, Federal Rules of Criminal Procedure require me  
4 to keep you in custody pending that hearing, so you will  
5 temporarily be detained. Next Tuesday you'll have the  
6 opportunity to appear before me, make any showing you want or  
7 have that you -- there are conditions that would allow for your  
8 release from custody, and I'll make a decision after that full  
9 hearing at that time. All right?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Anything else, Ms. Shoemaker?

12 MS. SHOEMAKER: Just for the record I'll note that we  
13 are requesting detention on both flight risk and danger to the  
14 community and the rebuttable presumption applies, so --

15 THE COURT: I assumed that would be the case. Thank  
16 you for making it clear.

17 Anything else, Mr. Price?

18 MR. PRICE: I believe nothing further, Your Honor.

19 THE COURT: All right. Thank you.

20 (Hearing concluded.)  
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C E R T I F I C A T E

United States of America v. Juan Carlos Ramon

3:17-mj-00188

FIRST APPEARANCE

November 17, 2017

I certify, by signing below, that the foregoing is a true and correct transcript of the record, taken by stenographic means, of the proceedings in the above-entitled cause. A transcript without an original signature, conformed signature, or digitally signed signature is not certified.

/s/Jill L. Jessup, CSR, RMR, RDR, CRR, CRC

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Official Court Reporter  
Oregon CSR No. 98-0346

Signature Date: 12/6/17  
CSR Expiration Date: 9/30/20